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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,528	01/04/2000	YOSHINAO TAKETOMI	YAO-V04302	4078

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ANDREW L NEY
RATNER & PRESTIA
ONE WESTLAKES BERWYN
SUITE 301 PO BOX 980
VALLEY FORGE, PA 194820980

EXAMINER

CHANG, AUDREY Y

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/381,528

Applicant(s)

TAKETOMI ET AL.

Examiner

Audrey Y. Chang

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 6, 7, 13, 15, 17, 20, 25, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49 and 54-57 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 5 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Continuation of Disposition of Claims: Claims pending in the application are 4-7,13,15,17,18,20,25,29,31,33,35,37,39,41,43,45,47,49 and 54-57.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2,3,8-12,14,16,19,21-24,26-28,30,32,34,36,38,40,42,44,46,48,50-53 and 58-66.

DETAILED ACTION

Remark

- This Office Action is in response to applicant's amendment filed on September 5, 2003, which has been entered as paper number 35.
- By this amendment, the applicant has amended claims 4, 6, 7, and 13.
- The rejections to claims 4, 6, 7, 13 and 5, 15-18 under 35 USC 112, first paragraph, set forth in the previous Office Action dated June 5, 2003 are withdrawn in response to applicant's amendment.
- The objections to claims 4, 6, 7, 13 and 5, 15-18 set forth in the previous Office Action dated June 5, 2003 are withdrawn with **the exception of the issue (1)**, (please referred to the explanation follows).

Claim Objections

1. **Claims 4, 5, and 18 are objected to because of the following informalities:**

(1) [The reason for objection has been stated in the previous Office Action dated June 5, 2003]. The phrase "and irradiation light incident on the second hologram dry plate with an incident optical path different from that of the object light" recited in claim 4 is confusing since it is not clear how does this phrase have anything to do with the construction or reconstruction of the transmission type hologram. If this phrase is concerned with the **construction** of the transmission type hologram, then the phrase should read as "***and interfering with a second radiation light incident on the second hologram dry plate with an incident optical path different from that of the object light***".

(2) The phrase "the diffused light" recited in claim 5 is confusing and indefinite since it lacks proper antecedent basis from its based claim (claim 4). **The based claim has been amended** which therefore gives rise to the objection.

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(3) The phrase “by superposing a plurality of beams on one another in a direction orthogonal to the direction in which *the diffused* light diffuses” recited in claim 18 is confusing and indefinite since it lacks proper antecedent basis from its based claim, (claim 13). **Claim 13 has been amended which** therefore gives rise to the objection. Furthermore, the phrase is very confusing. The applicant is respectfully reminded that in the specification the phrase “*by superposing a plurality of beams on one another in a direction orthogonal to a longitudinal direction of the slit*” is disclosed”. It is not clear how does the phrase in the claim relate to phrase disclosed in the specification.

Appropriate correction is required.

Allowable Subject Matter

2. Claims 4, 6, 7, 13, 15 and 17 appear to be allowed.
3. Claims 5, and 18 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
4. The following is an examiner’s statement of reasons for allowance: of the prior art references considered none has disclosed an optical display apparatus comprising a hologram device wherein the holographic device is a *reflection type hologram, formed by the method recited in the claims*, and a *reconstruction image* of an object is displayed by light from a light source that is incident on the reflection type hologram *through an elongated opening witch is elongated in the length or depth direction with respect to a viewer but not elongated in the width direction with respect to the viewer such that the visible zone of the reflection type hologram is lengthened without blurring*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Election/Restrictions

5. Claims 2-3, 8-12, 14, and 19-66 are originally withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention group and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

6. Claim 13 is indicated as *generic* in the **original election and restriction requirement** (paper number 7). **Claim 13 however has been significantly amended during the course of prosecution and it is no longer generic to all the claims depend from it.** Claim 13 is allowable and accordingly some of the claims are therefore no longer withdrawn. The restriction requirement as to the encompassed species is hereby withdrawn and claims 20, 25, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49 and 54-57, directed to the various species *no longer withdrawn* from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. *Applicant is respectfully reminded to make sure that these claims are without discrepancies that may pose rejections under 35 USC 112 and objection to the claims.*

However, claims 2-3, 8-12, 14, 16, 19, 21-24, 26-28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50-53, and 58-66 directed to the other species and invention group remain withdrawn from consideration since claim 13 is not generic to them. (37 CFR 1.141). *Proper cancellation of the non-elected claims is required.*

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 703-305-6208. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 703-305-0024. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Audrey Y. Chang
Primary Examiner
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A. Chang, Ph.D.